



NOTICE OF A VINEYARD HEARING OFFICER PUBLIC MEETING

The Vineyard Hearing Officer will hold a public meeting on Thursday, April 29, 2021 at 5:00 pm in the Vineyard City Council Chambers, 125 South Main Street, Vineyard, Utah, 84059.

This meeting will be held for the purpose of hearing a zoning appeal request by Brady DeGraw (BKD Electric). The request is for a zoning appeal on a zoning interpretation regarding the electric power connection between a primary building and an accessory structure used to store hazardous materials. The structure is referred to as a CONEX. The property is addressed 463 E 1600 N (Lot 18), Vineyard, Utah and contains a parcel ID of 38:424:0025.

The public is invited to attend all hearing officer meetings. If you need special accommodations to participate in the meeting, please call Cache Hancey, at the Community Development Department at 801.266.1929 ext. 2.

CERTIFICATION OF POSTING: I, the undersigned duly appointed Planner, do hereby certify that the above agenda notice was posted at the Vineyard City Offices, on the Vineyard City website, and on the Utah Public Meeting Notices website.

Date Posted: April 26, 2021

Certified: /s/ Briam Perez

Briam Perez, Planner II



Date: April 26, 2021 Planning Commission Meeting
From: Briam Amaya Perez, Planner II
To: Vaughn Pickell, Hearing Officer
Item: Vineyard Hearing Officer Public Meeting
Address: 463 E 1600 N (Lot 18), Vineyard, UT, 84059
Owner: Innovative Labs
Applicant: Brady DeGraw

Introduction:

The applicant, Brady DeGraw, has requested approval on behalf of his client, *Innovative Labs*, of a CONEX accessory structure at 463 E 1600 N, Vineyard, UT. This address is within the Flex Office Industrial (FOI) Zoning District. The manufacture’s spec sheet defines the CONEX as a portable storage building for hazardous material such as corrosive, flammable, and combustible liquids. The applicant wishes to route electrical power to the CONEX via an overhead cable from a sub-panel located inside the primary building. That sub-panel is connected to the existing main electrical utility that is already at the building.

For the applicant to receive approval, both the Planning *and* Building Department must pass off prior to applicant’s installation of the CONEX. The Building Department has denied approval of the CONEX. The Planning Department has approved the CONEX with the condition that all electrical power from the primary building be connected to the CONEX through some underground means.

The Vineyard Zoning Code (VZC) 15.32.260 ‘Utilities’ requires:

1. All primary buildings shall be connected to all necessary and required utilities.
2. All water, sewer, telephone, cable television, power, and other utilities shall be provided underground, with the following exceptions:
 - a) Transformers, pedestals, fire hydrants, and other appurtenances normally associated with “underground” utility installations are permitted on the surface of the ground.
 - b) The development of existing lots in areas of the city now served with existing aboveground utilities, are exempt from this requirement.

The Planning and Building Departments did not interpret that the CONEX fell under the exceptions listed above in bullet point 2.a. The applicant asserts that the Planning and Building Departments are not correctly interpreting the definition of ‘utilities’ found within the VZC which reads, “Include, but are not limited to, natural gas, electric power, cable television, telephone, telecommunication services, storm system, sewer system, irrigation facilities, culinary water, streetlights and other services deemed to be of a public-utility nature by the city” (see VZC 15.60.020). He has argued that the power being routed to

the CONEX via an over-head cable is not a 'utility' as defined by the zoning code (due to it being on his client's private property and not of a public nature); therefore, the requirement to install utilities underground does not apply to his permit application.

Currently, the applicant has effectively located the CONEX on site and completed the overhead installation of power leading from the primary building to the CONEX without the appropriate approvals. This is evidenced by Image One, which was submitted by the applicant via email on Thursday, March 18, 2021, showing the overhead attachment on the CONEX and power cable that routes to the primary building. Whether the proper definition of the word 'utilities' was being applied by City Staff, the applicant was always required to receive approval from both the Planning and Building Departments before moving forward with installation of the CONEX.

The Vineyard City Attorney, Jayme Blakesley, has reviewed the information submitted thus far by the applicant and the comments made by the Planning and Building Departments during the review and approval process, and has provided the following comments:

I reviewed your summary and the relevant portions of Vineyard City Code. The question is whether the electric power connection between a primary building and an accessory structure used to store hazardous materials may be above ground. Here are my thoughts...

- a. Section 15.32.260 of Vineyard City Code does not appear to require an electric power connection to an accessory structure. That requirement is limited to the primary building. It does, however, require that all utilities be provided underground, with limited exceptions. That requirement is not specific to primary or secondary structures. All utility connections must be underground.
- b. The applicant has questioned whether the definition of utilities is limited to the connection between a primary structure and the public utility network. He asserts that the electric power connection between the primary building and the accessory structure is not a "utility" connection per se because it is entirely on private property and is not a direct connection from a privately owned structure to the publicly owned utility. This argument does not align with the definition in city code, which simply states that "utilities" include "electric power."

Based on the foregoing, I agree with [the Planning Department's] interpretation that any provision of "electric power" is a "utility" as that term is defined by city code and, as such, must be provided underground per section 15.32.260...

The applicant is requesting an appeal of the final zoning decision. Attached you will find the following items:

- Images 1-3 of the CONEX as installed on the property (with electrical power already routed from the primary building to the CONEX).
- Request for Zoning Decision Appeal by Brady DeGraw
- Site Plan
- Manufactures spec sheet of the CONEX submitted for review by the applicant.



Image One, submitted 03.18.2021 by Brady DeGraw



Image Two, submitted 04.22.2021 by Staff



Image Three, submitted 04.22.2021 by Staff

BKD Electric, LLC.
8063 N. Quarter Mile Drive, Eagle Mountain UT. 84005
801.850.8065 • bkdelectric@gmail.com



Permit #: PLAN21-0129 Appeal

To Whom it May Concern:

I would like to file an appeal for the rejection of the permit #: PLAN21-0129. As a Licensed Master Electrician, my professional opinion and education is that this permit is being wrongfully rejected. The building is an existing building that is currently being supplied with main utilities, such as; power, water, sewer, and gas. For the project in question, BKD Electric is supplying electrical power to a pre-manufactured container located outside of the building. The power for the container will be supplied by a sub-panel located inside of the building. That sub-panel is connected to the existing main electrical utility that is already at the building. This permit is being rejected based on the following:

“The Vineyard Zoning Code, Title 15.32.260 'Utilities' states the following: All primary buildings shall be connected to all necessary and required utilities. All water, sewer, telephone, cable television, power, and other utilities shall be provided underground, with the following exceptions; Transformers, pedestals, fire hydrants, and other appurtenances normally associated with “underground” utility installations are permitted on the surface of the ground. The development of existing lots in areas of the city now served with existing aboveground utilities, are exempt from this requirement. The CONEX does not classify under the exception listed above and would require the electrical to routed underground.”

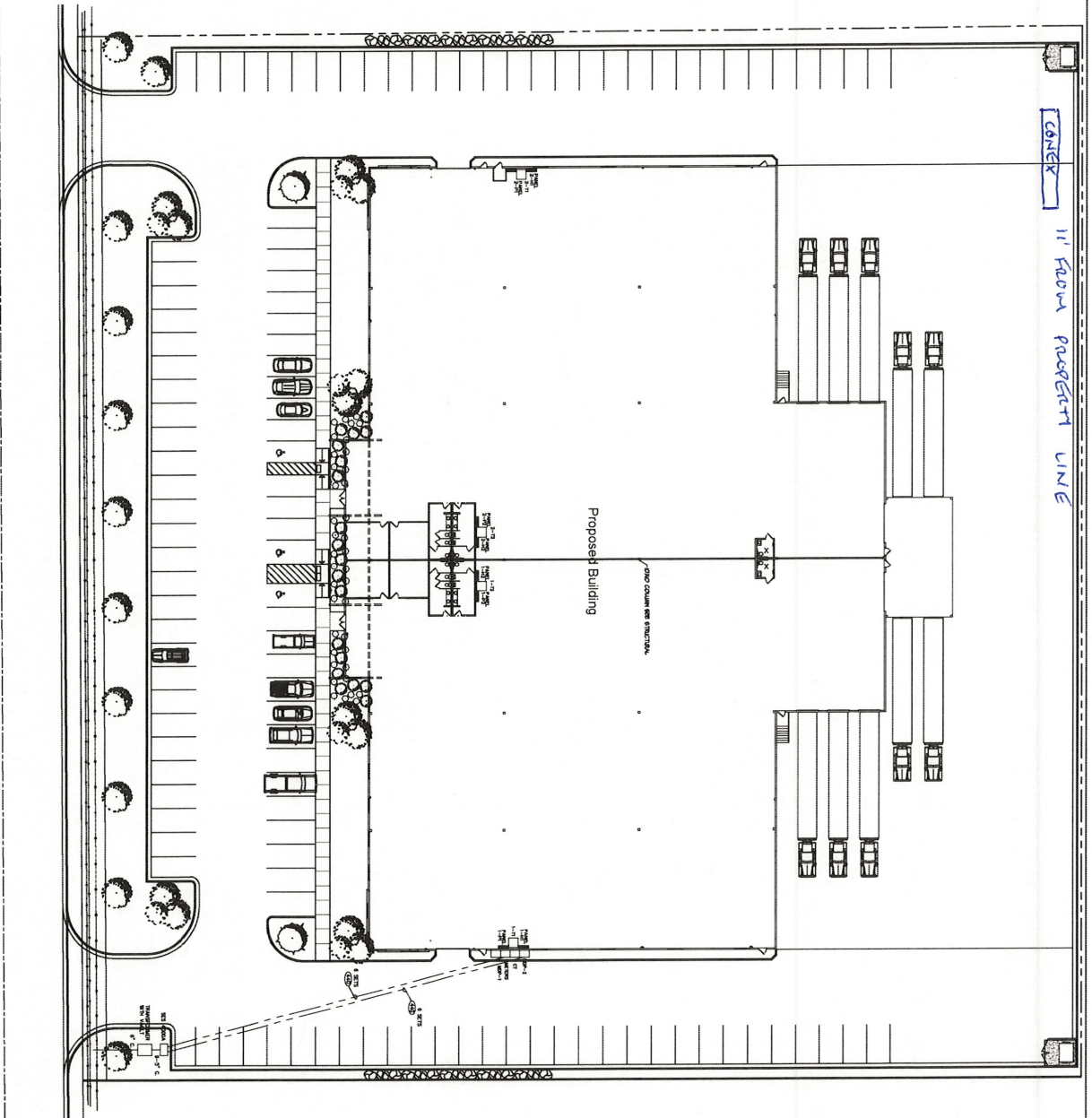
Based on the Vineyard Zoning Code Title 15.32.260, it states the requirements needed in order to install utilities at any given location. By definition, the word “utility” is defined as; An organization supplying the community with electricity, gas, water, or sewerage. The work for this permit by definition, is not a “utility”. The work is actually a “breaker” inside of the building that is feeding power to the container. After discussing this project with the Planning Department, they have given me no guidelines or restrictions on premise electrical wiring. The only restriction is the requirements for installing “utilities”. Therefore, this permit is being wrongfully rejected, with no requirements or guidelines for the work being performed, any method of wiring, that meets the requirements of the NEC Code Book, should be acceptable.

Signature: _____

A handwritten signature in black ink, appearing to be "B. J. D. R.", written over a horizontal line.

Date: _____

4/12/21



E1.0

DRAWING NAME:
ELECTRICAL
SITE PLAN

DRAWN BY: AS
CHECKED BY: SMH
DATE: 24 JANUARY 2013
PROJECT #: 1246



PROJECT NAME:
**PINNACLE AT
EAST LAKE
GENEVA**

463 EAST 1600 NORTH
VINEYARD, UT 84058

CONTRACTOR:

CONSULTANT:

PONTIS
ARCHITECTURAL GROUP

PO BOX 242
SPRINGVILLE, UT 84663
(801) 704-9551



ECP **ENVIRONMENTAL COMPLIANCE PRODUCTS**

8907 WARNER AVENUE, SUITE 122
HUNTINGTON BEACH, CA. 92647
714-847-4474 800-643-7065
714-847-7554 FAX
SALES@HAZMAT77.COM E-MAIL
WWW.HAZMAT77.COM

August 24, 2020

Innovative Flexpak, LLC
1530 North Mountain Springs Pwy
Springville, UT 84663
801-491-3220 ext. 129 office
jzimmerman@innovativeflexpak.com E-mail

Attention: Justin Zimmerman

Re: Haz Mat Storage Buildings

Per your request, to follow are the quotations for our Model #S2812BT-TT, #S3312BT-TT and #S3812BT-TT Two Tier Construction Portable Hazardous Material Storage Buildings. Our buildings are Factory Mutual Approved and designed for the safe and proper storage of hazardous materials.

Thank you for the opportunity of presenting you these quotes. If you have any questions, please don't hesitate to give me a call.

Sincerely,

Jeff Van Valkenburgh
Environmental Compliance Products, Inc.

BUILDINGS ARE DESIGNED FOR THE STORAGE OF CORROSIVE, FLAMMABLE AND COMBUSTIBLE LIQUIDS. WELDED STEEL CONSTRUCTION WITH SECONDARY CONTAINMENT, ALUMINUM GRATE FLOORING, FIRE DAMPERS, STATIC GROUND, DRAIN, FULL OPENING DOORS FOR PALLET LOADING, FORKLIFT POCKETS, GROUNDING LUGS ARE STANDARD. BUILDINGS ARE FACTORY MUTUAL APPROVED. FIFTEEN YEAR WARRANTY ON STRUCTURAL. ONE YEAR WARRANTY ON PAINT.

| QUANTITY | DESCRIPTION | UNIT PRICE | TOTAL PRICE |
|--|--|--------------|--------------|
| 1 EACH | MODEL #S2812BT-TT HAZ MAT STORAGE BUILDING 28'6" X 11' X 10'6" (W-D-H) TWO TIER CONSTRUCTION 2 HOUR FIRE RATED DOUBLE WALLED, 12 & 14 GAUGE WELDED STEEL CONSTRUCTION WITH R-11 INSULATION SUMP BUILT OF 10 GAUGE WELDED STEEL 1,302 GALLON SPILL CONTAINMENT SUMP CAPACITY 5 - DOORS ON FRONT 54" X 104" (W-H) WITH 2 POINT LOCKS 5 - DOORS ON BACK 54" X 98" (W-H) WITH 2 POINT LOCKS APPROXIMATE WEIGHT: 23,860 LBS | \$ 41,600.00 | \$ 41,600.00 |
| OPTIONS: | | | |
| 2 EACH | EXPLOSION PROOF AIR CONDITIONER 19,500 BTU (CLASS I, DIV II) WITH THERMOSTAT | \$ 4,800.00 | \$ 9,600.00 |
| 1 EACH | 35 LB UL & FM APPROVED ABC DRY CHEMICAL FIRE SUPPRESSION SYSTEM WITH STEEL ENCLOSURE, ALARM AND MANUAL PULL STATION | \$ 4,400.00 | \$ 4,400.00 |
| SALES TAX: OUT OF STATE | | | \$ N / A |
| FREIGHT: PERMITTED DOUBLE DROP TRUCK FOB: SPRINGVILLE, UT 84663 | | | \$ 3,200.00 |
| TOTAL DELIVERED PRICE (OFF-LOADING NOT INCLUDED) | | | \$ 58,800.00 |
| DELIVERY: 60 DAYS ARO | | | |
| TERMS: 30% DEPOSIT, BALANCE NET 30 DAYS | | | |

BUILDINGS ARE DESIGNED FOR THE STORAGE OF CORROSIVE, FLAMMABLE AND COMBUSTIBLE LIQUIDS. WELDED STEEL CONSTRUCTION WITH SECONDARY CONTAINMENT, ALUMINUM GRATE FLOORING, FIRE DAMPERS, STATIC GROUND, DRAIN, FULL OPENING DOORS FOR PALLET LOADING, FORKLIFT POCKETS, GROUNDING LUGS ARE STANDARD. BUILDINGS ARE FACTORY MUTUAL APPROVED. FIFTEEN YEAR WARRANTY ON STRUCTURAL. ONE YEAR WARRANTY ON PAINT.

| QUANTITY | DESCRIPTION | UNIT PRICE | TOTAL PRICE |
|--|--|--------------|--------------|
| 1 EACH | MODEL #S3312BT-TT HAZ MAT STORAGE BUILDING 33'6" X 11' X 10'6" (W-D-H) TWO TIER CONSTRUCTION 2 HOUR FIRE RATED DOUBLE WALLED, 12 & 14 GAUGE WELDED STEEL CONSTRUCTION WITH R-11 INSULATION SUMP BUILT OF 10 GAUGE WELDED STEEL 1,627 GALLON SPILL CONTAINMENT SUMP CAPACITY 6 - DOORS ON FRONT 54" X 104" (W-H) WITH 2 POINT LOCKS 6 - DOORS ON BACK 54" X 98" (W-H) WITH 2 POINT LOCKS APPROXIMATE WEIGHT: 28,120 LBS | \$ 48,600.00 | \$ 48,600.00 |
| OPTIONS: | | | |
| 2 EACH | EXPLOSION PROOF AIR CONDITIONER 19,500 BTU (CLASS I, DIV II) WITH THERMOSTAT | \$ 4,800.00 | \$ 9,600.00 |
| 1 EACH | 70 LB UL & FM APPROVED ABC DRY CHEMICAL FIRE SUPPRESSION SYSTEM WITH STEEL ENCLOSURE, ALARM AND MANUAL PULL STATION | \$ 5,200.00 | \$ 5,200.00 |
| SALES TAX: OUT OF STATE | | | \$ N / A |
| FREIGHT: PERMITTED STRETCH DOUBLE DROP TRUCK FOB: SPRINGVILLE, UT 84663 | | | \$ 3,800.00 |
| TOTAL DELIVERED PRICE (OFF-LOADING NOT INCLUDED) | | | \$ 67,200.00 |

DELIVERY: 60 DAYS ARO
TERMS: 30% DEPOSIT, BALANCE NET 30 DAYS

BUILDINGS ARE DESIGNED FOR THE STORAGE OF CORROSIVE, FLAMMABLE AND COMBUSTIBLE LIQUIDS. WELDED STEEL CONSTRUCTION WITH SECONDARY CONTAINMENT, ALUMINUM GRATE FLOORING, FIRE DAMPERS, STATIC GROUND, DRAIN, FULL OPENING DOORS FOR PALLET LOADING, FORKLIFT POCKETS, GROUNDING LUGS ARE STANDARD. BUILDINGS ARE FACTORY MUTUAL APPROVED. FIFTEEN YEAR WARRANTY ON STRUCTURAL. ONE YEAR WARRANTY ON PAINT.

| QUANTITY | DESCRIPTION | UNIT PRICE | TOTAL PRICE |
|--|--|--------------|--------------|
| 1 EACH | MODEL #S3812BT-TT HAZ MAT STORAGE BUILDING 38'6" X 11' X 10'6" (W-D-H) TWO TIER CONSTRUCTION 2 HOUR FIRE RATED DOUBLE WALLED, 12 & 14 GAUGE WELDED STEEL CONSTRUCTION WITH R-11 INSULATION SUMP BUILT OF 10 GAUGE WELDED STEEL 1,767 GALLON SPILL CONTAINMENT SUMP CAPACITY 7 - DOORS ON FRONT 54" X 104" (W-H) WITH 2 POINT LOCKS 7 - DOORS ON BACK 54" X 98" (W-H) WITH 2 POINT LOCKS APPROXIMATE WEIGHT: 32,381 LBS | \$ 55,600.00 | \$ 55,600.00 |
| OPTIONS: | | | |
| 2 EACH | EXPLOSION PROOF AIR CONDITIONER 19,500 BTU (CLASS I, DIV II) WITH THERMOSTAT | \$ 4,800.00 | \$ 9,600.00 |
| 1 EACH | 70 LB UL & FM APPROVED ABC DRY CHEMICAL FIRE SUPPRESSION SYSTEM WITH STEEL ENCLOSURE, ALARM AND MANUAL PULL STATION | \$ 5,200.00 | \$ 5,200.00 |
| SALES TAX: OUT OF STATE | | | \$ N / A |
| FREIGHT: PERMITTED STRETCH DOUBLE DROP TRUCK FOB: SPRINGVILLE, UT 84663 | | | \$ 3,800.00 |
| TOTAL DELIVERED PRICE (OFF-LOADING NOT INCLUDED) | | | \$ 74,200.00 |

DELIVERY: 60 DAYS ARO
TERMS: 30% DEPOSIT, BALANCE NET 30 DAYS